



Legislative Bulletin.....June 12, 2007

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H.R. 2638—PART II—Amendments to the Department of Homeland Security Appropriations Act, 2008

H.R. 2638, the Department of Homeland Security Appropriations Act, 2008 (sponsored by Rep. David Price, D-NC), is being considered on the House floor today, June 12, 2007, under an open rule (H.Res. 473), making in order any germane amendment under the five-minute rule. The rule allows one motion to recommit with or without instructions.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule also waives the no-authorizing-on-appropriations point of order against provisions in the underlying bill.

Note: The summaries below are based on RSC staff's review of *actual amendment text*, when available. The amendments below were not filed in the Congressional Record. For a summary of the underlying bill or of the amendments pre-filed in the Congressional Record, see separate RSC documents released earlier today.

RSC Staff Contact: Paul Teller; paul.teller@mail.house.gov; 202-226-9718

Amendments NOT Pre-Filed in the Congressional Record

NOTE: not all of these amendments will necessarily be offered, and some may have already been offered by the time you read this document.

Bilbray (R-CA). Prohibits funds from being made available to an earmark (as defined in the amendment text) added in conference committee that was not committed to conference by either House.

Bilbray (R-CA). Reduces funds for the Integrated Deepwater Systems program by \$150 million and increases funds for grants under the REAL ID Act (Public Law 108-13) by \$150 million.

Campbell (R-CA). Prohibits funds from being used in contravention of the following provision of current law: "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government

entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”

Crowley (D-NY)/ Matsui (D-CA)/ Fossella (R-NY)/ Garrett (R-NJ). Increases funds for the Urban Area Security Initiative (UASI) grant program by \$50 million (to \$850 million) and reduces funds for the Office of the Secretary and Executive Management by \$15 million and reduces funds for the Office of the Under Secretary for Management by \$35 million.

Davis (R-KY). Increases funds for the Commercial Equipment Direct Assistance Program (CEDAP) by \$30 million and reduces funds by \$5 million for each of the following: State Homeland Security Grants, Law Enforcement Terrorism Prevention Grants, Urban Area Security Initiative Grants, Port Security Grants, Rail and Transit Security Grants, and Firefighter Grants.

Forbes (R-VA). Prohibits funds from being used to extend the temporary protected status (TPS) program for nationals of a country beyond the original period of not more than 18 months. The amendment sponsor notes that Congress has granted the Secretary of Homeland Security the authority to grant temporary refuge to aliens, usually illegal immigrants, from particular countries under “temporary protected status”. DHS can grant TPS status to the nationals of a country for as long as 18 months, and can later extend the TPS period indefinitely by adding extensions up to 18 months each.

Garrett (R-NJ). Prohibits funds from being offered for state and local formula-based grants under a formula that includes a per-state minimum greater than .25 percent (current minimum is .75 percent).

Hunter (R-CA)/ King (R-IA)/ Franks (R-AZ). Strikes the border fencing language (but not the amount) in the underlying bill and replaces it with a requirement that the funding be used for building double fencing and roads in accordance with section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note).

Jindal (R-LA). Increases funds for disaster relief by \$5 million and reduces funds for FEMA management by \$5 million.

King (R-NY)/ McCaul (R-TX). Increases funds for the Domestic Nuclear Detection Office (DNDO) by \$40 million and reduces funds for Emergency Management Performance Grants by \$35 million and reduces funds for Coast Guard research, development, testing, and evaluation by \$5 million.

Kingston (R-GA). Strikes Section 527 of the underlying bill, which prevents the Federal Law Enforcement Training Center (FLETC) from contracting-out instructor staff. This amendment would ensure that FLETC—which serves as an interagency law enforcement training organization for more than 80 Federal agencies and provides training support to state, local, and international law enforcement agencies—has the basic flexibility to hire the most qualified individuals and the necessary staff to provide this critical training.

McCaul (R-TX). Strikes Section 531 that prohibits implementation of MAX-HR. MAX-HR would allow DHS flexibility in personnel matters, such as transferring workers to areas where they may be needed during a national emergency.

McCaul (R-TX). Strikes this provision in the underlying bill: “*Provided further*, That none of the funds under this heading may be obligated for procurement of additional unmanned aerial systems until the Commissioner of United States Customs and Border Protection certifies to the Committees on Appropriations of the Senate and House of Representatives that they are of higher priority and more cost effective than other items included in the Air and Marine Strategic Recapitalization and Modernization plan.”

McHenry (R-NC)/ Feeney (R-FL)/ King (R-IA)/ Culberson (R-TX): Strikes the Davis-Bacon prevailing wage requirements in the underlying bill (see the RSC’s Legislative Bulletin on the underlying bill for more details).

McHenry (R-NC). Increases funds for the Chief Information Officer by \$17 million (on top of the \$258.6 million in the underlying bill) and decreases funds for FEMA management and administration.

McHenry (R-NC). Reserves \$30 million of the \$4.14 billion for immigration enforcement for the program under section 287(g) of the Immigration and Nationality Act (the program allowing state and local officials to perform immigration functions in conjunction with the federal government).

McHenry (R-NC). Reduces by \$30 million the funds for the Under Secretary for Management and increases by \$30 million the funds for citizenship and immigration services research and training.

Price (R-GA). Prohibits funds for DHS intelligence activities from supporting or conducting research related to global climate change.

Royce (R-CA)/ Blackburn (R-TN)/ Hunter (R-CA). NOTE: this amendment is reportedly being changed before being offered. Increases funds for border fencing by \$1.7 billion (to a total of \$2.7 billion) and reduces funds for the Transportation Security Administration by \$200 million, for port security grants by \$150 million, for intercity rail passenger transportation by \$200 million, and disaster relief by \$1.1 billion. Reserves specific amounts of funding for various portions of a southwest border fence. Strikes the underlying border fencing language in the underlying bill.

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